



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

HD:hd
Docket No: 04085-00
13 December 2000

LCDR [REDACTED] SNR
[REDACTED]

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You requested that your eligibility for promotion to commander be delayed for 24 months from 1 September 1999, or that you be augmented into the Regular Navy before the Fiscal Year (FY) 02 Line Commander Selection Board, scheduled to convene on 6 March 2001. Your request for augmentation was not considered, as you have not been selected by a duly constituted augmentation selection board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command (NPC) dated 28 July and 15 September 2000, copies of which are attached. The Board also considered your letter dated 20 November 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board recognized you were eligible to be considered for a date of rank adjustment under Secretary of the Navy Instruction 1427.2B, as you had not been on active duty continuously before you were to be placed on the active-duty list. However, inasmuch as your fitness report record reflected your three-year active recall, they found that you did not need a date of rank adjustment to enable you to compete fairly for promotion before an active duty selection board. They further observed that the advisory opinion dated 28 July 2000

indicates, in paragraph 3, that PERS-86 states you were verbally advised "prior to [your] transfer" that you would not be granted a date of rank adjustment.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is noted that NPC, PERS-811, advised you, by the e-mail at enclosure (4) to your letter of 20 November 2000, that "it would be to your advantage to apply" for consideration by the augmentation board to convene on 26 March 2001. PERS-811 indicated that a failure of selection by the FY 02 Line Commander Selection Board would not preclude your augmentation. If you are augmented, any failure of selection as a member of the Naval Reserve would not "follow you" as a member of the Regular Navy.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures

4085-00



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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Pers 85
28 Jul 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USNR [REDACTED]

Ref: (a) SECNAVINST 1420.1A
(b) Section 741 of title 10, U.S. Code
(c) SECNAVINST 1427.2B

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of Lieutenant Commander [REDACTED] request to defer his eligibility for promotion to Commander for 36 months from the date of his recent recall to the active duty list on 1 September 1999.
2. Per reference (b), the Secretary of the Navy can change a date of rank to a later date effective when the officer is placed on the active-duty list if: 1) the officer has not been on continuous active duty since his original appointment as a reserve commissioned officer, or 2) is transferred from an inactive status to an active status and placed on the active-duty list. This request must be made and approved prior to making the transition from the Reserve Active Status List to the Active Status List. [REDACTED] was on a three-year Reserve Recall prior to his permanent recall to active duty and did not request a date of rank adjustment prior to executing active duty orders.
3. Additionally, PERS-86 states that [REDACTED] was verbally notified prior to his transfer that he would not be eligible for the date of rank adjustment. He is only entitled to an automatic one-year deferment should he be in or above-zone for promotion within one year of the date he entered active duty, per reference (a). *dm*
a
4. Recommend disapproval of [REDACTED] request. PERS-86 should be consulted if additional information regarding LCDR [REDACTED] reserve service is needed.

[REDACTED]

BCNR Liaison, Officer Promotions
and Enlisted Advancements Division



4085-00

DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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Ser 812/0U590
15 Sep 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORD

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: BCNR PETITION ICO LCE [REDACTED]
[REDACTED]

Ref: (a) PERS-00ZB memo 5420 of 8 Aug 00
(b) SNM'S DD Form 149 of 12 Jun 00
(c) MILPERSMAN 1320-150
(d) SECNAVINST 1427.2B
(e) Title 10 US Code section 1552

1. Reference (a) requested comments and recommendations of reference (b).
2. As LCDR [REDACTED] accurately stated in reference (b), his request for an adjustment of his date of rank (DOR) was not approved. As he reported for duty and was placed on the Active Duty List (ADL) he was no longer eligible for an adjustment per reference (d). A DOR adjustment must be effective on the date of placement on the ADL.
3. LCDR [REDACTED] should not have been eligible for a 36 month adjustment as requested (according to PERS-86) even if the request had completed staffing prior to his placement on the ADL.
4. The administrative delay in officially notifying LCDR [REDACTED] regrettable. Reserve Officers who apply for Recall to Active Duty and who subsequently request a date of rank adjustment are counseled prior to being placed on the ADL to prevent this situation in the future.

[REDACTED]
[REDACTED]
By direction